

**FILED****United States District Court**

DEC - 6 2007

MIDDLEDISTRICT OFALABAMACLERKU. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

**CRIMINAL COMPLAINT**SONGIT BHAIYAN a/k/a Humayun Sazzad  
RUNE BHAIYAN, a/k/a Sultana Kabir  
KABIR BHAIYAN a/k/a Humayun Kabir

CASE NUMBER: 2:07mj104-TFM

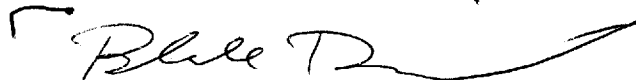
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 3, 2007, in Montgomery County and elsewhere within the Middle District of Alabama defendant,

in a matter within the jurisdiction of the executive, legislative or judicial branch of the Government of the United States, knowingly and willfully made a materially false, fictitious, or fraudulent statement or representation,

all in violation of Title 18 United States Code, Section(s) 1001(a)(2).

I further state that I am a(n) ICE Special Agent and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

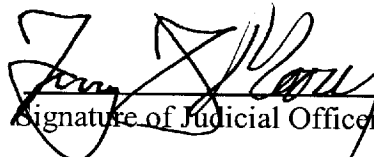
Sworn to before me and subscribed in my presence,

DECEMBER 6, 2007

Date

at Montgomery, Alabama

City and State

Terry F. Moorer, U. S. Magistrate Judge  
Name & Title of Judicial Officer  
Signature of Judicial Officer

## AFFIDAVIT

I, Blake Diamond, hereby make the following statement under penalty of perjury:

I am employed as a Special Agent of the U.S. Immigration and Customs Enforcement (ICE), an agency within the Department of Homeland Security (DHS), assigned to the office of the Assistant Special Agent in Charge (ASAC) - Mobile, Alabama. I have been employed as a federal agent for approximately eleven (11) years. My principal assignment has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality.

(1) On December 03, 2007, Special Agent David Henderson and I performed surveillance at the Stop N Go Express located at 3804 South Court Street in Montgomery, Alabama in an attempt to locate Mohammad ALI, an ICE fugitive with an outstanding order of deportation. A gold 1996 Toyota Camry bearing Georgia license plate 6200ABS was parked in the front of the store. Record checks revealed the vehicle is registered to Mohammad ALI.

(2) Later I observed a white 2000 Toyota Sienna minivan bearing Alabama license plate 3B5190Y arrive at the business. Record checks revealed this vehicle is registered to Abdul Howlader. A male individual exited the vehicle and entered the business. A few minutes later this individual left the store.

(3) Mohammad ALI was removed from the store and placed into ICE custody. Agent Henderson and I observed the white Toyota Sienna minivan approaching the business. Once the driver observed enforcement vehicles in the parking lot he immediately changed lanes and drove away from the business. Agent Henderson and I pursued the vehicle as it drove around constantly passing the business. Two individuals were observed inside the vehicle. Eventually the van stopped across the street from the business and the passenger exited the vehicle. He then walked across the street and into the business. This person was identified as Sreeman BARUA. Mr. BARUA took over duties at the business.

(4) Agent Henderson and I followed the white minivan to the address of 2704 F. Scott Court in Montgomery, Alabama. Agent Henderson and I approached the driver when he exited the vehicle. After identifying ourselves as ICE Special Agents, the driver stated that his name was Humayun SAZZAD and that his date of birth was July 08, 1978. He claimed to be a native and citizen of Bangladesh. He presented a New York State driver license (264765238) bearing the name Humayun SAZZAD and the date of birth of July 08, 1978. He stated that his immigration papers were inside his apartment. Agent Henderson and I accompanied SAZZAD inside the apartment.

(5) Once inside, SAZZAD presented a Social Security Card [REDACTED] and an expired Employment Authorization Card [REDACTED] bearing the same name and date of birth. He claimed that he filed an application for Temporary Resident Status and was waiting on his new Employment Authorization Card.

(6) I contacted the ICE Law Enforcement Support Center (LESC) and discovered that SAZZAD's applications had been denied. He filed the applications under the name Humayun SAZZAD with the date of birth of July 08, 1978. He was assigned Alien Number A93 441 462. Because his applications were denied he was considered illegally present in the United States. SAZZAD was arrested and transported to the ICE office in Montgomery, Alabama for further processing.

(7) At the ICE office it was discovered by comparing photographs from Alien File Number A73 591 222, that SAZZAD was actually Songit BHAIYAN (07/06/1974), a native and citizen of Bangladesh with an outstanding order of deportation. Upon showing SAZZAD the photograph he admitted that he was Songit BHAIYAN and that the name Humayun SAZZAD was fraudulent.

(8) Inside the apartment, we encountered Songit BHAIYAN's mother who stated her name was Sultana KABIR and her date of birth was March 05, 1960. She claimed that she was a native and citizen of Bangladesh. She presented a New York State identification card ([REDACTED]), Florida Learner License ([REDACTED]), Social Security Card ([REDACTED]), Bangladesh Passport ([REDACTED]), and an expired Employment Authorization Card ([REDACTED]) bearing the same name and date of birth. She claimed that she filed an application for Temporary Resident Status and was waiting on her new Employment Authorization Card. She also provided me with the immigration paperwork for her husband identified as Humayun KABIR with the date of birth of January 05, 1956. She provided me with his Bangladesh Passport ([REDACTED]) bearing the same name and date of birth. She claimed that her husband had filed an application for Temporary Resident Status.

(9) I contacted the ICE Law Enforcement Support Center (LESC) and discovered that Sultana KABIR's applications had been denied. She filed the applications under the name Sultana KABIR with the date of birth of March 05, 1960. She was assigned Alien Number A93 441 461. Because her applications were denied she was considered illegally present in the United States. KABIR was arrested and transported to the ICE office in Montgomery, Alabama for further processing.

(10) At the ICE office it was discovered by comparing photographs from Alien File Number [REDACTED], that KABIR was actually Rune BHAIYAN (01/10/1960), a native and citizen of Bangladesh with an outstanding order of deportation. Upon showing KABIR the photograph she admitted that she was Rune BHAIYAN and that the name Sultana KABIR was fraudulent.

(11) I contacted the ICE Law Enforcement Support Center (LESC) and discovered that Humayun KABIR's applications had been denied. He filed the applications under the name Humayun KABIR with the date of birth of January 05, 1956. He was assigned Alien Number A93 441 460. Because his applications were denied he was considered illegally present in the United States. Humayun KABIR was not present at the residence.

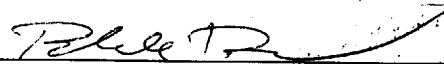
(12) At the ICE office it was discovered by comparing photographs from Alien File Number [REDACTED], that Humayun KABIR was actually Kabir BHAIYAN (02/15/1955), a native and citizen of Bangladesh with an outstanding order of deportation. Upon showing

Songit BHAIYAN and Rune BHAIYAN the photograph both admitted that he was Kabir BHAIYAN and that the name Humayun KABIR was fraudulent. Songit BHAIYAN claimed that his father was working at the Shell Station located on Forbes Drive in Montgomery, Alabama.

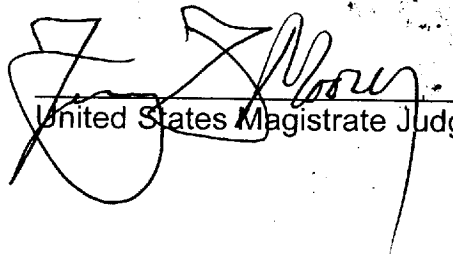
(13) Agent Henderson visited the Shell Station and observed Kabir BHAIYAN attempting to leave the business in a vehicle. Agent Henderson approached Kabir BHAIYAN and asked for identification. He presented a Florida Driver License (K [REDACTED]), Social Security Card ([REDACTED]), and Employment Authorization Card (A [REDACTED]) bearing the name Humayun KABIR. Agent Henderson took Kabir BHAIYAN into ICE custody and transported him to the ICE office for further processing.

(14) At the ICE office I asked Kabir BHAIYAN what was his true and correct name. He replied Humayun KABIR (01/05/1956). I again asked him if this was his true name that was given to him at birth and he replied yes. I then showed him the photograph from Alien File Number A73 591 224. He then admitted that his real name was Kabir BHAIYAN and that the name Humayun KABIR was fraudulent.

Based on the foregoing, it is my belief that probable cause exists to believe that Songit BHAIYAN, Rune BHAIYAN, and Kabir BHAIYAN are in violation of Title 18, United States Code, Section 1001(a)(2) – Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 5 years, or both.

  
Blake Diamond  
Senior Special Agent, ICE  
Affiant

Sworn to before me and subscribed  
in my presence this 06<sup>th</sup> day of December, 2007.

  
United States Magistrate Judge